

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2163/13-14  
(These minutes have been seen  
by the Administration)

Ref : CB2/BC/2/13

**Bills Committee on  
Marriage (Amendment) Bill 2014**

**Minutes of the third meeting  
held on Tuesday, 29 April 2014, at 9:00 am  
in Conference Room 1 of the Legislative Council Complex**

- Members present** :
- Hon IP Kwok-him, GBS, JP (Chairman)
  - Hon Dennis KWOK (Deputy Chairman)
  - Hon James TO Kun-sun
  - Hon Emily LAU Wai-hing, JP
  - Hon Tommy CHEUNG Yu-yan, SBS, JP
  - Hon Cyd HO Sau-lan
  - Hon Starry LEE Wai-king, JP
  - Hon CHAN Kin-por, BBS, JP
  - Hon Mrs Regina IP LAU Suk-ye, GBS, JP
  - Hon Paul TSE Wai-chun, JP
  - Hon LEUNG Kwok-hung
  - Hon YIU Si-wing
  - Hon Gary FAN Kwok-wai
  - Hon MA Fung-kwok, SBS, JP
  - Hon Charles Peter MOK
  - Hon CHAN Chi-chuen
  - Hon KWOK Wai-keung
  - Dr Hon Fernando CHEUNG Chiu-hung
  - Hon Martin LIAO Cheung-kong, JP
  - Hon Christopher CHUNG Shu-kun, BBS, MH, JP
  - Hon Tony TSE Wai-chuen
- Member attending** :
- Hon CHUNG Kwok-pan
- Members absent** :
- Hon Ronny TONG Ka-wah, SC
  - Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
  - Dr Hon LEUNG Ka-lau
  - Dr Hon Helena WONG Pik-wan
  - Hon TANG Ka-piu
  - Ir Dr Hon LO Wai-kwok, BBS, MH, JP

**Public Officers : Item I  
attending**

Mr LAI Tung-kwok, SBS, IDSM, JP  
Secretary for Security

Ms WONG Siu-chu, Maggie, JP  
Deputy Secretary for Security 3

Mr WOO Tak-ying, Billy  
Principal Assistant Secretary for Security D

Mr CHIU Wai-kai, David, IDSM  
Assistant Director (Personal Documentation)  
Immigration Department

**Item II**

Ms Michelle Christine AINSWORTH  
Secretary, Inter-departmental Working Group on Gender  
Recognition

Mr KAN Ka-fai, Godfrey  
Senior Assistant Solicitor General  
Department of Justice

**Attendance : Item I  
by invitation**

**Individual**

Ms Anna CHOW

關注性傾向條例小組

Ms NG Mei-ling  
Representative

**China Hong Kong Federation of Youth Culture**

Miss KAM Hee-man  
Director, Research Centre for Equal Rights

Diocesan Pastoral Commission for Marriage and the  
Family

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Mr TSE Yau-hung  
Officer

Gender Concerns Hong Kong

Miss CHUI Chi-ning, Lennie  
Secretary

Passing the Torch

Miss Genevieve K Y SHIU  
Chairman

Lohas Family Culture Concern Group

Ms CHAN Yuen-shan  
Spokesman

Christian Fellowship of Alice Ho Miu Ling Nethersole  
Hospital

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Dr Tony MA  
Member

SME Global Alliance

Mr George SO  
Member

Christian Doctor Network

Mr Kinal NG  
Member

捍衛傳統家庭觀念家長聯盟

Ms KONG Sin-yin  
Member

Hong Kong Greater China SME Alliance Association

Mr WAN Hoi-hung  
Member

關注兒童成長組織

Mr LAU Chi-sing  
Member

愛家愛夫賢妻會

Ms LEE Wai-fan, Grace  
Member

幼兒教育家長聯盟

Ms Victoria Wen Heng Maronilla  
Member

反對性小眾特權化關注組

Ms CHUNG Ying  
Member

基督教幼兒教育家長協會

Ms LAU Shui-yee  
Member

傳統道德網絡大聯盟

Mr IP Kam-fu  
Member

新世代價值觀網絡監察組織

Mr Victor NG  
Member

兩性健康研究關愛協會

Mr Anson LAM  
Member

幼兒健康研究關愛協會

Ms Pearl TSANG  
Member

關注青少年成長協調會

Ms Carmen CHAN  
Member

維護傳統婚姻家庭核心大聯盟

Mr LAW Man-ho  
Member

Individual

Mr LAM Chung-wai, Alex

Individual

Dr LAI Hak-kan

Individual

Dr CHAN Chun-ye, Thomas

Individual

Ms CHIU Kit-ching

Healthy Family

Ms Veronica YEUNG

Liberal Party Ban Gay Marriage Hong Kong

Mr CHAN Chi-yeung  
Representative

道德倫理關注組

Mr FONG Tung  
Member

**Clerk in attendance** : Ms Amy YU  
Chief Council Secretary (2) 6

**Staff in attendance** : Mr Stephen LAM  
Assistant Legal Adviser 11

Miss Josephine SO  
Senior Council Secretary (2) 6

Miss Meisy KWOK  
Legislative Assistant (2) 6

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Action

**I. Meeting with deputations and the Administration**

(File Ref: SB CR 1/3231/13, LC Paper Nos. CB(3)444/13-14, CB(2)1203/13-14(02)-(06), CB(2)1359/13-14(01)-(03), CB(2)1359/13-14(05)-(08), CB(2)1371/13-14(01)-(03), CB(2)1372/13-14(001)-(175), CB(2)1384/13-14(01)-(05) and CB(2)1413/13-14(01)-(08)).

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee received views from 30 deputations/individuals attending the meeting, and noted 181 written submissions from other organizations/individuals which/who did not attend the meeting.

3. The Administration provided a consolidated response to the views expressed by deputations at the Bills Committee meetings on 23 and 29 April 2014.

*(Post-meeting note: The concluding remarks of the Secretary for Security made at the meeting, in response to deputations' views expressed at the Bills Committee meetings on 23 and 29 April 2014, were circulated to members vide LC Paper No. CB(2)1411/13-14(01) on 30 April 2014.)*

**II. Meeting with representatives of the inter-departmental working group on gender recognition**

(File Ref: SB CR 1/3231/13, LC Paper Nos. LS34/13-14 and CB(2)1203/13-14(07))

4. The Bills Committee received a briefing from the Secretary of the Inter-departmental Working Group on Gender Recognition ("IWG") on the role, scope of work and work plan of IWG.

*(Post-meeting note: The speaking notes of the Secretary of IWG were circulated to members vide LC Paper No. CB(2)1417/13-14(01) on 2 May 2014.)*

**III. Any other business**

5. There being no other business, the meeting ended at 12:14 pm.

Council Business Division 2  
Legislative Council Secretariat  
31 July 2014

**Proceedings of the third meeting of the  
Bills Committee on Marriage (Amendment) Bill 2014  
on Tuesday, 29 April 2014, at 9:00 am  
in Conference Room 1 of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000213 – 000712	Chairman	Opening remarks	
<i>Agenda Item I - Meeting with deputations and the Administration</i>			
000713 – 001015	Ms Anna CHOW	Presentation of views (LC Paper No. CB(2)1384/13-14(01))	
001016 – 001324	Ms NG Mei-ling, 關注性傾向條例小組	Presentation of views	
001325 – 001637	Miss KAM Hee-man, China Hong Kong Federation of Youth Culture	Presentation of views (LC Paper No. CB(2)1359/13-14(01))	
001638 – 001950	Mr TSE Yau-hung, Diocesan Pastoral Commission for Marriage and the Family	Presentation of views (LC Paper No. CB(2)1413/13-14(01))	
001951 – 002144	Miss CHUI Chi-ning, Lennie Gender Concerns Hong Kong	Presentation of views (LC Paper No. CB(2)1359/13-14(02))	
002145 – 002453	Miss Genevieve K Y SHIU, Passing the Torch	Presentation of views (LC Paper No. CB(2)1413/13-14(02))	
002454 – 002802	Ms CHAN Yuen-shan, Lohas Family Culture Concern Group	Presentation of views (LC Paper No. CB(2)1359/13-14(05))	
002803 – 003116	Dr Tony MA, Christian Fellowship of Alice Ho Miu Ling Nethersole Hospital	Presentation of views	
003117 – 003423	Mr George SO, SME Global Alliance	Presentation of views	
003424 – 003732	Mr Kinal NG, Christian Doctor Network	Presentation of views	
003733 – 004048	Ms KONG Sin-yin, 捍衛傳統家庭觀念家長聯盟	Presentation of views	
004049 – 004354	Mr WAN Hoi-hung, Hong Kong Greater China SME Alliance Association	Presentation of views	



<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
004355 – 004709	Mr LAU Chi-sing, 關注兒童成長組織	Presentation of views	
004710 – 005017	Ms LEE Wai-fan, Grace 愛家愛夫賢妻會	Presentation of views	
005018 – 005326	Ms Victoria Wen Heng Maronilla, 幼兒教育家長聯盟	Presentation of views	
005327 – 005636	Ms CHUNG Ying, 反對性小眾特權化關注組	Presentation of views	
005637 – 005948	Ms LAU Shui-ye, 基督教幼兒教育家長協會	Presentation of views (LC Paper No. CB(2)1413/13-14(03))	
005949 – 010238	Mr IP Kam-fu, 傳統道德網絡大聯盟	Presentation of views (LC Paper No. CB(2)1413/13-14(04))	
010239 – 010506	Mr Victor NG, 新世代價值觀網絡監察組織	Presentation of views	
010507 – 010755	Mr Anson LAM, 兩性健康研究關愛協會	Presentation of views	
010756 – 011014	Ms Pearl TSANG, 幼兒健康研究關愛協會	Presentation of views	
011015 – 011320	Ms Carmen CHAN, 關注青少年成長協調會	Presentation of views	
011321 – 011630	Mr LAW Man-ho, 維護傳統婚姻家庭核心大聯盟	Presentation of views (LC Paper No. CB(2)1413/13-14(05))	
011631 – 011937	Mr LAM Chung-wai, Alex	Presentation of views (LC Paper No. CB(2)1359/13-14(06))	
011938 – 012251	Dr LAI Hak-kan	Presentation of views (LC Paper Nos. CB(2)1359/13-14(07) and CB(2)1413/13-14(06))	
012252 – 012610	Dr CHAN Chun-ye, Thomas	Presentation of views (LC Paper Nos. CB(2)1384/13-14(02) and CB(2)1749/13-14(01))	
012611 – 012917	Ms CHIU Kit-ching	Presentation of views (LC Paper No. CB(2)1384/13-14(03))	
012918 – 013238	Ms Veronica YEUNG, Healthy Family	Presentation of views (LC Paper No. CB(2)1413/13-14(07))	
013239 – 013510	Mr CHAN Chi-yeung, Liberal Party Ban Gay Marriage Hong Kong	Presentation of views	

Time marker	Speaker	Subject(s)	Action required
013511 – 013908	Mr FONG Tung, 道德倫理關注組	Presentation of views	
013909 – 014132	Chairman Mr Tommy CHEUNG Dr Tony MA, Christian Fellowship of Alice Ho Miu Ling Nethersole Hospital	Mr Tommy CHEUNG invited Dr Tony MA's view on whether undergoing full sex re-assignment surgery ("SRS") would be sufficient to change the sex of a person.	
014133 – 014826	Chairman Mr LEUNG Kwok-hung Mr FONG Tung, 道德倫理關注組 Ms Cyd HO Ms LEE Wai-fan, Grace 愛家愛夫賢妻會 Ms Emily LAU	Mr LEUNG Kwok-hung and Ms Emily LAU considered that the rights and interests of transsexual persons and persons with different sexual orientation should be respected.  Ms Cyd HO expressed the view that the Administration should extend the scope of the public consultation on gender recognition issues to cover the rights of people with different sexual orientation, including their right to marry.	
014827 – 015045	Chairman Mr Paul TSE Ms Anna CHOW	Mr Paul TSE invited Ms Anna CHOW to elaborate her view as stated in her submission that the provisions under the proposed section 40A were of a much wider scope than the declarations made in the Court of Final Appeal ("CFA")'s judgment in the case of <i>W v the Registrar of Marriages (FACV 4/2012)</i> ("the W case").  With reference to the proposed section 40B, Mr TSE was concerned whether a person who had legally changed his/her sex overseas but had not completed full SRS could marry in his/her re-assigned sex in Hong Kong.	
015046 – 015318	Chairman Mr CHUNG Kwok-pan Dr LAI Hak-kan	Mr CHUNG Kwok-pan invited Dr LAI Hak-kan to elaborate his views on the causes of gender identity disorder.	
015319 – 015753	Chairman Mr CHAN Chi-chuen Dr Fernando CHEUNG	Mr CHAN Chi-chuen and Dr Fernando CHEUNG expressed support for some deputations' view that the Administration should conduct a wide public consultation on the Bill and issues relating to gender recognition.  Mr CHAN Chi-chuen pointed out that the Bill did not seek to address the question of same sex marriage.  Dr Fernando CHEUNG expressed the view that transsexual persons should not be deprived of the right to marry and to found a family which was a basic human right.	
015754 – 020016	Chairman Mr KWOK Wai-keung	Mr KWOK Wai-keung pointed out that the Bill was introduced in response to the CFA's Order in the W case and it was not intended to address the question of same sex marriage.	

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020017 – 020205	Chairman Mr Tommy CHEUNG	Mr Tommy CHEUNG indicated that Members belonging to the Liberal Party had a clear stance on same sex marriage.	
020206 – 021700	Chairman Admin	Administration's response to views expressed by deputations at the Bills Committee meetings on 23 and 29 April 2014 (LC Paper No. CB(2)1411/13-4(01)).	
021701 – 022141	<b>Break</b>		
<i>Agenda Item II - Meeting with representatives of the inter-departmental working group on gender recognition</i>			
022142 – 023800	Chairman Ms Michelle Christine AINSWORTH, Secretary of the Inter-departmental Working Group on Gender Recognition ("IWG")	Briefing on IWG's role, scope of work and work plan (LC Paper No. CB(2)1417/13-14(01)).	
023801 – 024319	Chairman Mr Tommy CHEUNG Ms Michelle Christine AINSWORTH, IWG	<p>Noting the IWG's plan to produce an initial report of its work in about two years' time after conducting wide consultation, Mr Tommy CHEUNG enquired whether the Administration would proceed with any required legislative amendment work after IWG had submitted its recommendations to the Administration.</p> <p>Secretary to IWG responded that -</p> <p>(a) IWG was tasked to make recommendations to the Administration on possible legislative and incidental administrative measures to address issues faced by transsexual persons;</p> <p>(b) IWG planned to focus its study first on recognition issues (including matters relating to transsexual persons as well as the laws and schemes on gender recognition in other jurisdictions), then on post-recognition issues (including the impact of gender recognition on existing laws and any required legislative or procedural reform) if an agreement was reached that Hong Kong should establish a gender recognition scheme; and</p> <p>(c) IWG hoped to be able to produce an initial report of its work, making such recommendations for reform as and where appropriate, in about two years' time.</p>	
024320 – 025358	Chairman Mr CHAN Chi-chuen Ms Michelle Christine AINSWORTH, IWG Dr Fernando CHEUNG	Mr CHAN Chi-chuen and Dr Fernando CHEUNG were of the view that the schedule, agendas and minutes of meetings of IWG and its consultation documents should be made public to enhance the transparency on IWG's work, given the wide-ranging and controversial nature of the issues involved.	

Time marker	Speaker	Subject(s)	Action required
		<p>Mr CHAN Chi-chuen was concerned about the composition and representation of IWG (including the criteria for selection of the two members from the legal profession and the reasons for not appointing any medical professionals to IWG). He opined that the Bills Committee should consider the views of relevant medical professionals in the course of its scrutiny and sought information on IWG's consultation with the medical sector. He also enquired how IWG's recommendations arising from its study would be followed up by the Administration.</p> <p>Dr Fernando CHEUNG hoped that IWG would maintain an open mind and take into account developments in various overseas jurisdictions in studying the wide-ranging legal, health and social issues concerning gender recognition and considering recommendations to be put forward to the Administration.</p> <p>Secretary to IWG responded that -</p> <p>(a) IWG was, at the present moment, consulting and gathering necessary information from interested groups, including medical and mental health experts, academics and transsexual groups, to understand the situation in Hong Kong and identify the relevant issues to be studied by IWG, and had yet to produce any consultation paper. IWG would, at a later stage, proceed to gather the views of the public. The consultation paper(s) to be prepared by IWG would be made open to the public;</p> <p>(b) IWG commenced its work in January 2014 and would be meeting regularly in the next two years. It had held three meetings so far, and another six meetings were already scheduled for this year;</p> <p>(c) IWG was still at an early stage of its work and the issue of whether its meetings, including the agendas and minutes, would be made public could be considered as IWG got further with its work. Members' views in this regard would be relayed to IWG; and</p> <p>(d) IWG would indeed look into international developments and would undertake a comparative study of the legislation, schemes and case-law on gender recognition in a wide range of jurisdictions, as well as the standards of international bodies in this area.</p>	
025359 – 031441	Chairman Ms Cyd HO Ms Michelle Christine AINSWORTH, IWG	Ms Cyd HO and Mr LEUNG Kwok-hung shared the view that IWG should conduct its work in a transparent manner. Mr LEUNG was of the view that verbatim records should be made for the meetings of IWG.	

Time marker	Speaker	Subject(s)	Action required
	<p>Mr LEUNG Kwok-hung Mr CHAN Chi-chuen Dr Fernando CHEUNG</p>	<p>Ms Cyd HO considered that the public consultation paper to be prepared by IWG should contain detailed information on the wide-ranging legal, medical, social and other relevant issues involved, so as to ensure that there would be informed discussions on the matter in the community.</p> <p>In response to Ms Cyd HO's enquiry on the long-term work direction and objective of IWG, Secretary to IWG responded that IWG had been given a broad remit to consider legislation and incidental administrative measures that might be required to protect the rights of transsexual persons in all legal contexts, and to make such recommendations for reform as might be appropriate.</p> <p>Mr LEUNG Kwok-hung, Mr CHAN Chi-chuen and Dr Fernando CHEUNG expressed concerns about the composition and representation of IWG. They suggested that medical and mental health experts as well as transsexual persons should be appointed as members of IWG. Secretary to IWG explained that legal professionals were appointed as members of IWG having regard to the wide legal implications in introducing a gender recognition scheme.</p> <p>Mr CHAN Chi-chuen and Dr Fernando CHEUNG expressed concern as to whether the Bill in its present form, if passed, would narrow the room for IWG's study/recommendations on the issue of gender recognition, given the requirement in the Bill that a person had to have gone through a full SRS before his/her sex could be re-assigned for the purpose of marriage. Mr CHAN further sought clarification whether the amendments introduced by the Bill, if passed, had to be repealed should a gender recognition ordinance be introduced in Hong Kong in the future.</p> <p>Secretary to IWG responded that -</p> <p>(a) the Bill and the work of IWG were separate matters in the sense that the Bill sought to deal with the existing law following the CFA judgment on the W case, while IWG's remit was more prospective and sought to look into issues relating to gender recognition in a wider scope and from a holistic perspective, including the rights of transsexual persons in all legal contexts and whether Hong Kong should establish a gender recognition scheme; and</p> <p>(b) consequential amendments might well be required to be made to the Marriage Ordinance (Cap. 181) or other legislation if decision was made to introduce a more widely based gender recognition scheme in Hong Kong. It was, however, too early to tell at</p>	

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		<p>this stage whether any such legislative amendments would be required pending the outcome of IWG's study.</p> <p>Mr LEUNG Kwok-hung suggested that a sunset clause be included in the Bill so as to ensure that the Administration would review the relevant legislation in a timely manner after IWG had finalized its recommendations.</p> <p>Mr LEUNG Kwok-hung further enquired -</p> <p>(a) whether the Administration had any plan to amend the relevant legislation after IWG had completed its study; and</p> <p>(b) the response of IWG to the concern expressed by some people that the passage of the Bill would have implications on same-sex marriage.</p> <p>Secretary to IWG responded that -</p> <p>(a) the Administration had indicated that it had no stance yet on the issue of a gender recognition scheme for Hong Kong and would formulate its policy having regard to the recommendations of IWG; and</p> <p>(b) the issue of same-sex marriage was beyond the remit of the deliberations of IWG.</p>	
031442 – 031532	Chairman	Closing remarks	